REMARKS

Claims 1-11 and 14-20 are pending in the applications. Claims 11 and 18 are presently cancelled. Claims 12 and 13 were previously cancelled and remain cancelled. Therefore, upon entry of the present Amendment, claims 1-10, 14-17, and 19-20 will be pending in the present application.

Claims 19-21 are allowed. Applicants thank Examiner for the allowable subject matter.

Applicants have amended claim 1 to be in condition for allowance. The limitations of claims 11 and 18 have been added to claim 1 which now reads:

Claim 1 (currently amended): In a frequency band, a method of structured intelligent frequency hopping, said method comprising:

sampling a plurality of channels in the frequency band an original hopping sequence;

identifying each channel in the plurality of channels as a good channel or a bad channel as a function of a predetermined factor including traffic type; and

creating a new structured channel hopping sequence by assigning the good channels to a good window and the bad channels to a bad window by using an adaptive frequency hopping scheme;

hopping from one of the good channels to another one of the good channels until the good window has been used;

using the bad channel based on a hierarchy of traffic types; and

<u>hopping from one of the bad channels to another one</u>
<u>of the bad channels until the bed window has been used</u>.

Claim 18 had the limitation of all the channels in the good window are used before any channels in the bad window are used. The Examiner has rejected claim 18 under 102(e) as being anticipated by Mansfield (US Patent Number (6,704,346). Applicants traverse this rejection.

It is respectfully submitted that Mansfield does not disclose or suggest the presently claimed invention of claim 1 including the limitations of claim 18. The Examiner cites column 3 lines 1-25 as teaching the limitations of claim 18. Mansfield fails to teach the limitations of claim 18 and in fact teaches away from the limitations of claim 18. Applicants refer Examiner to column 7 starting at line 22, "frequency selector avoids beginning transmissions in any frequency channel slot associated with a distressed channel frequency by adjusting the schedule." Furthermore, column 18 lines 56-61—the Examiner used this passage to rejected claim 1 as previously amended— states, [A]any algorithm which uses the basic guiding principles of this invention, i.e dynamically using multi-slot packets in an intelligent manner to avoid transmission on 'bad' channels, which are maintained in a separate list, is an alternative embodiment. Thus, the embodiments of Mansfield avoid using bad channels. Embodiments of Applicants invention use the bad channels. Applicants respectively submit that claim 1 is in condition for allowance. Claims 2-17 are dependent either directly or indirectly upon claim 1, and are thus also in condition for allowance.

Claims 1 were provisionally rejected under the judicially created doctrine of double patenting of Claim 9 of co-pending application 10/003,865.

A Terminal Disclaimer is filed herewith to overcome this rejection.

Claims 19-21 are allowed.

For the reasons stated above, Applicants respectfully submit that this rejection is premature.

Applicants note that no art rejections have been applied to Claims 7-10 and consequently it is respectfully submitted that these claims are now allowable.

In light of the above, it is respectfully submitted that the present application is in condition for allowance, and notice to that effect is respectfully requested.

While it is believed that the instant response places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

Respectfully submitted:
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_____   September 28, 2006

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